



The Honorable Bob Goodlatte
Chairman, House Judiciary Committee
2138 Rayburn House Office Building
Washington, DC 20515

The Honorable John Conyers
Ranking Member, House Judiciary Committee
336 Rayburn House Office Building
Washington, DC 20515

Re: House Judiciary Markup for The ADA Education and Reform Act (H.R. 620)

September 6, 2017

Dear Chairman Goodlatte and Ranking Member Conyers:

I am writing on behalf of the Asian American Hotel Owners Association (AAHOA). As you may know, AAHOA represents more than 16,000 small business owners nationwide. Our members own nearly one in every two hotels in the United States and employ over 600,000 workers, accounting for nearly \$10 billion in annual payroll. As small business owners, our members consistently contribute to the economy through job creation, tourism promotion, real estate development, and community investment.

On behalf of the thousands of hoteliers who strive to offer an accessible and welcoming environment to individuals with disabilities, we express our support for H.R. 620, "The ADA Education and Reform Act." The House Judiciary Committee is holding a markup on **Thursday, September 7th at 10 am**, and we strongly urge you to attend and oppose any amendments that would weaken this critical legislation.

Predatory litigation has crippled the hospitality community for nearly two decades. In the last two years alone, there were over 15,000 ADA Title III lawsuits issued against places of public accommodation.¹ In these cases, unscrupulous attorneys and vexatious litigants partner to file numerous "drive-by" lawsuits against places of public accommodations to extort quick settlements. Without the financial resources or legal acumen to verify the veracity of complainants, American small business owners continue to fall victim to this scheme, providing monetary settlements that consist principally of attorney's fees.

AAHOA members across the country regard the ADA as a critical civil rights measure and aim to provide fully accessible facilities and amenities to all guests. The intent of the ADA has always been to prohibit discrimination and to ensure all Americans have equal opportunities. However, it is clear that changes must be implemented to discourage duplicitous lawyers from targeting small business owners in an effort to make a quick buck.

H.R. 620 recognizes that alleged ADA access violations could be addressed more effectively by providing a "notice and cure" provision. This simple, common-sense approach would allow a business to actively identify and correct alleged ADA violations before engaging in a lengthy and costly litigation and settlement process. By removing the current perverse incentives to merely seek payment of legal fees, the emphasis can once again be placed on removing barriers and improving access. We strongly encourage you and fellow members of the Judiciary Committee to favorably report the bill as soon as possible.

Thank you for your leadership on this important issue. If you have any additional questions, please reach out to Jordan Heilizer, Director of Government Affairs for AAHOA, at Jordan@aahoa.com or 202-945-4955.

Respectfully,

A handwritten signature in black ink that reads "Chip Rogers". The signature is written in a cursive, slightly slanted style.

Chip Rogers
President and CEO, AAHOA

¹ Vu, Minh, Kristina M. Launey, and Susan Ryan. "ADA Title III Lawsuits Continue to Rise: 8% Increase in 2015." *ADA Title III News and Insights*. Seyfarth Shaw LLP, 15 Jan. 2016. Web.



**Statement of the National Association of Theatre Owners on H.R. 620
September 2017**

The National Association of Theatre Owners, representing more than 600 motion picture exhibitors nationwide, urges the House Judiciary Committee to pass H.R. 620, the ADA Education and Reform Act. This common-sense legislation will help remove barriers to access by addressing the challenge of “drive-by” lawsuits experienced by covered entities. We encourage the Committee to support the solution put forward by this bill.

Since the inception of the ADA, the motion picture exhibition industry has worked hard to ensure that all guests, regardless of need, feel welcome in attending our cinemas. Additionally, exhibitors have continually sought innovative ways to make our theaters accessible. Exhibition’s commitment to ADA compliance reflects our desire for everyone to enjoy the quintessential experience of a movie on the big screen.

Unfortunately, a small class of plaintiffs and their attorneys have misused the ADA’s intent of removing barriers to access and instead seek the primary objective of self-enrichment. These “drive-by” lawsuits do little to fix compliance issues; rather, they serve to increase the coffers of these attorneys and their pool of plaintiffs. The ADA Education and Reform Act would address this matter by providing a time period for fixing alleged violations of the ADA or making substantial progress to resolve them, ensuring that resources are focused on the appropriate goal of improving access instead of going toward lawsuits masquerading as remedy attempts.

Once again, we urge the Committee to support H.R. 620, the ADA Education and Reform Act.

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September 7, 2017

The Honorable Bob Goodlatte
Chairman
House Judiciary Committee
2138 Rayburn House Office Building
U.S. House of Representatives
Washington DC, 20515

Dear Chairman Goodlatte:

On behalf of the International Council of Shopping Centers (ICSC), thank you for advancing committee consideration H.R. 620, "The ADA Education and Reform Act of 2017." ICSC believes this bipartisan and narrowly tailored legislation will preserve and enhance the intent of Title III of the Americans with Disabilities Act (ADA).

ICSC members take pride in managing and developing retail properties that are open and accessible to all. We believe H.R. 620, if enacted, will assure that resources are focused on improving access for the disability community while protecting businesses from "drive-by" lawsuits. In spite of laws passed in California, your home state still leads the nation in this type of litigation. Nationwide, the number of Title III suits increased 37% in 2016.

H.R. 620 is aimed at taking away incentives for legal fees and first providing property owners with the opportunity to correct alleged, sometimes minor ADA infractions. Currently, thousands of property owners, including small business owners who are often without the resources to contest the suit or even verify the standing of the complainant, have no choice but to pay significant settlements consisting mainly of attorneys' fees. Once the litigating party gets its payout, quite often it moves on to the next property. This activity is an unintended consequence that needs to be addressed. We believe H.R. 620 is a step in the right direction towards restoring the integrity of the landmark ADA law.

Thank you for your leadership and we appreciate your dedication to solving this important issue.

Sincerely,

A handwritten signature in cursive script that reads "Betsy Laird".

Betsy Laird
Senior Vice President, Global Public Policy
International Council of Shopping Centers

CC: Members of House Judiciary Committee



September 6, 2017

The Honorable Bob Goodlatte
Chairman, House Judiciary Committee
2309 Rayburn House Office Building
U.S. House of Representatives
Washington, DC 20515

The Honorable John Conyers
Ranking Member, House Judiciary Committee
2426 Rayburn House Office Building
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Goodlatte and Ranking Member Conyers:

On behalf of the American Hotel & Lodging Association (AHLA), the sole national association representing all segments of the 8 million jobs the U.S. lodging industry supports, including hotel owners, REITs, chains, franchisees, management companies, independent properties, bed and breakfasts, state hotel associations, and industry suppliers, I write in strong support of H.R. 620, "The ADA Education and Reform Act of 2017" sponsored by Reps. Ted Poe (TX-2) and Scott Peters (CA-52). This bipartisan legislation improves upon the landmark Americans with Disabilities Act (ADA) by addressing the unfortunate practice of "drive-by" lawsuits, which have become all too common in the lodging industry.

AHLA and our members strongly support the ADA and are committed to ensuring that individuals with disabilities are provided unfettered access to our properties and facilities. Unfortunately, Title III of the ADA, which covers private businesses open to the public, is being exploited by bad actors for their personal financial gain with no corresponding benefit for the disability community. Thousands of hotels have been sued or received demand letters threatening lawsuits unless they pay a settlement for minor, easily correctable, or nonexistent infraction to Title III. In 2016, the number of ADA Title III lawsuits filed grew by more than 37 percent from the previous year and even more concerning, in the first quarter of 2017, lawsuits increased by 18 percent over the same period in 2016.

This legislation strengthens the ADA by providing for a "notice and cure" provision under Title III. Importantly, this would provide businesses a defined timeframe to identify and correct an alleged violation before being forced to engage in a costly and drawn-out settlement process. If a business fails to correct or make the necessary corrections of an identified violation following a notice and cure period, then the right for seeking legal recourse still applies under the ADA.

The lodging industry urges the committee to favorably report out H.R. 620 and oppose any amendments that would weaken this legislation. Thank for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "B. Crawford".

Brian C. Crawford
Vice President, Government & Political Affairs

CC: House Judiciary Committee



National Association of Residential Property Managers

September 7, 2017

The Honorable Bob Goodlatte, Chairman
House Judiciary Committee
2138 Rayburn House Office Building
U.S. House of Representatives
Washington DC, 20515

Dear Chairman Goodlatte:

On behalf of the members of the National Association of Residential Property Managers (NARPM®) and the thousands of property owners our members represent, I am writing to express our strong support for H.R. 620, “The ADA Education and Reform Act of 2017,” and to thank the committee for its leadership in addressing this important issue.

NARPM® fully supports the goals of the federal Americans with Disabilities Act (ADA). Moreover, NARPM® believes a person’s disability should not be a barrier to public facilities, and that all residential property managers should adhere to rules, policies, practices, and services that comply in word, deed, and spirit with The ADA as it applies to their activities.

Unfortunately, we have seen an increase in so-called “drive-by” lawsuits, where plaintiffs’ lawyers will barrage well-meaning property owners with threatening demand letters over technical, easily-correctable violations in order to force quick settlements that consist mostly of attorneys’ fees. Significant numbers of our members manage multi-family properties, condominiums, townhouses, and commercial properties, and as such, they are vulnerable to these types of actions. Moreover, as owners of business locations, even those who solely manage single-family homes face exposure as well.

This bipartisan and narrowly tailored legislation will provide improved access to public accommodations for disabled Americans while preventing well-meaning business owners from falling victim to “drive-by” lawsuits. H.R. 620 recognizes that alleged ADA access violations could be addressed more effectively by providing for a “notice and cure” provision. This simple, common sense approach would allow a business to actually identify and correct alleged ADA violations before engaging in an unnecessarily lengthy and costly settlement process. By removing the current incentives to merely seek payment of legal fees, the emphasis can once again be placed on compliance and improved access.

For these reasons, we urge your support of H.R. 620, “The ADA Education and Reform Act of 2017,” and we thank you for your leadership and careful consideration of this issue.

Sincerely,

Steve Schultz, MPM® RMP®
President

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San Antonio, TX

September 6, 2017

The Honorable Robert Goodlatte
Chair, House Judiciary Committee
2138 Rayburn House Office Building
Washington, DC 20515

Re: Support for H.R. 620

Dear Chairman Goodlatte,

On behalf of the Building Owners and Managers Association (BOMA) International, I write to express our strong support for H.R. 620, "The ADA Education and Reform Act of 2017." Founded in 1907, BOMA International is a federation of 91 BOMA U.S. associations, representing 16,000 owners and managers of all commercial property types.

Since 1990, BOMA has proudly served on the American with Disabilities Act Accessibility Guidelines Review Advisory Committee, the ANSI/ICC A117.1 Standard Committee and a number of other key forums where new accessibility provisions are developed. Additionally, we published the "ADA Compliance Guidebook: A Checklist for Your Building," which offers property professionals technical guidance to meet the provisions of the ADA.

Congress passed the ADA to promote accessibility for all Americans. As an unintended consequence, there are instances of attorneys disingenuously profiting from filing lawsuits over technical, easily correctable violations and demanding business owners pay large settlements consisting principally of attorney's fees. This practice does not remedy the violation, nor does it improve accessibility in our communities. Faced with costly litigation building owners and tenants are left with little choice but to agree to pay the settlements.

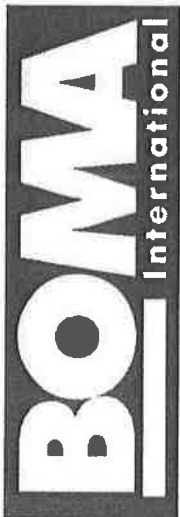
H.R. 620 aims to solve the problem by ensuring that property owners' focus is removing alleged barriers and not navigating the complex legal system. By providing a "notice and cure" period, the bill allows business owners 120 days to correct identified ADA violations before the commencement of a lawsuit. This narrowly tailored bill keeps the focus on accessibility and preserves the spirit of the ADA.

Thank you for your leadership on this issue, and we look forward to working with you and other members of the committee to advance this important legislation.

Sincerely,



Henry H. Chamberlain
President and COO
BOMA International





NATIONAL
ASSOCIATION of
REALTORS®

William E. Brown
2017 President

Bob Goldberg
Chief Executive Officer

Dale A. Stinton
Chief Executive Officer Emeritus

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September 05, 2017

The Honorable Bob Goodlatte
Chairman
House Judiciary Committee
2309 Rayburn House Office Building
Washington, D.C. 20515

The Honorable John Conyers, Jr.
Ranking Member
House Judiciary Committee
2426 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Goodlatte and Ranking Member Conyers:

On behalf of the more than 1.2 million members of the National Association of REALTORS® (NAR), thank you for holding this markup of H.R. 620, the ADA Education and Reform Act of 2017. This bipartisan bill would make an important improvement to the Americans with Disabilities Act (ADA) by adding a “notice-and-cure” provision to it, giving business owners accused of a violation an opportunity to fix it before a costly legal process begins.

Title III of the ADA is intended to make places and opportunities accessible to people with disabilities. However, in some states, a few attorneys have filed lawsuits indiscriminately against commercial property owners on behalf of disabled persons. The ADA’s lack of a notice requirement leaves commercial property owners, who may in good faith believe that their businesses and buildings are in compliance with the law, vulnerable to these lawsuits. Once a suit is filed, there is no opportunity to cure the infraction, so property owners spend time and money on attorneys and paying fees instead of directing these resources to quickly fixing the infraction. The ADA does not allow victims to collect damages, so much of that money goes to paying attorneys’ fees.

H.R. 620 is bipartisan and commonsense, adding a critical “notice-and-cure” provision to the ADA, to give business owners the opportunity to rectify a violation within a reasonable period before they are threatened with a costly lawsuit or a demand letter. This is a more effective method of addressing alleged ADA violations, as it creates an incentive for businesses to fix violations quickly. Additionally, H.R. 620 would create an education program between the Department of Justice, state and local governments, and property owners on strategies to increase access to public accommodations for persons with a disability.

NAR strongly supports the ADA and urges you to support H.R. 620, which would improve it by ensuring that businesses spend their resources fixing alleged violations instead of on lengthy legal processes. Thank you again for your consideration of this bill, we look forward to continuing to work with you to see it passed into law.

Sincerely,

William E. Brown
2017 President, National Association of REALTORS®

cc: House Judiciary Committee



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September 6, 2017

The Honorable Bob Goodlatte
Chairman, House Judiciary Committee
2138 Rayburn House Office Building
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Goodlatte:

On behalf of the National Restaurant Association, I am writing in support of H.R. 620, "The ADA Education and Reform Act of 2017." This bipartisan legislation would preserve and enhance the intent of Title III of the Americans with Disabilities Act (ADA) while simultaneously preventing well-meaning business owners from being victimized by abusive lawsuits. Thank you for your leadership on this important issue.

Restaurants employ nearly ten percent of the nation's workforce, or approximately 14.7 million Americans. With one million locations across the country, the restaurant industry drives \$798.7 billion in annual sales, accounting for about four percent of the U.S. Gross Domestic Product. Restaurant jobs provide opportunities for promotion. Nine of ten salaried restaurant employees started in hourly positions. The typical hourly restaurant employee who starts out at an entry-level wage receives a pay raise after six months, making restaurants a vital training ground for the American workforce. One in three Americans got their first job in the restaurant industry, and half of all Americans have worked in the restaurant industry at some point in their lives.

The ADA was enacted in 1990 to improve access and equality for disabled Americans. The law's integrity, however, is being compromised by an onslaught of abusive "drive-by" lawsuits filed by unscrupulous attorneys against restaurants and other small businesses for minor and correctable infractions aimed at extracting costly legal settlements, consisting mostly of attorney's fees. The number of ADA Title III lawsuits, involving places of public accommodation, has surged in recent years. In many cases, plaintiffs will file dozens, even hundreds, of cases across a geographic area. Often lacking the ability to contest the lawsuits, businesses are left paying significant legal fees.

Restaurants provide a welcoming environment and want to ensure unfettered access and accommodation for every guest. H.R. 620 is a simple, common-sense approach that would allow businesses, through a "notice and cure" provision, to identify and correct alleged ADA violations before in engaging in an unnecessary, lengthy, and costly settlement process. By removing incentives that encourage attorneys to file lawsuits mainly to collect attorney's fees, the legislation restores the goal of the ADA: compliance and improved access.

Thank you again for your leadership and we look forward to working with you and your colleagues to advance this important legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Shannon L. Meade".

Shannon L. Meade

Director, Labor & Workforce Policy